

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ST. CLAIR COUNTY, ILLINOIS, et al.,

Plaintiffs,

v.

TRINITY HIGHWAY INDUSTRIES,  
INC., and TRINITY HIGHWAY  
PRODUCTS, LLC,

Defendants.

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M.B.D. No. 16-mc-91286-IT

ORDER

September 23, 2016

TALWANI, D.J.

The Safety Institute, Inc. (“TSI”) initiated this ancillary action by filing a Motion to Quash Defendants’ Subpoena Duces Tecum [#1] and a Request to Transfer Motion to Quash to Issuing Court [#2], namely, the United States District Court for the Southern District of Illinois. Having afforded the parties issuing the subpoena, Defendants Trinity Industries, Inc. and Trinity Highway Products, LLC (together, “Trinity”), to show cause why the court should not grant the motion to transfer, and having fully considered Trinity’s response, the court **ALLOWS** the motion to transfer.

TSI properly filed its motion to quash in this court as “the court for the district where compliance is required.” Fed. R. Civ. P. 45(d)(3)(A). This court, having not issued the subpoena, “may transfer a motion to quash to the issuing court if the person subject to the subpoena consents . . . .” Fed. R. Civ. P. 45(f).

Here, TSI consents to the transfer. The motion to quash argues in part that some of the discovery sought is irrelevant. The court in the underlying action, which is already familiar with

the issues in this case would be better suited to hear the motion to quash. And, if necessary to enforce its order, “the issuing court may transfer the order” back to this court. Fed. R. Civ. P. 45(f).

For these reasons, TSI’s Request to Transfer Motion to Quash [#2] is ALLOWED. The clerk is directed to transfer the Motion to Quash [#1] to the United States District Court for the Southern District of Illinois, where the underlying action, St. Clair County, IL, et al. v. Trinity Industries, Inc. and Trinity Highway Products, LLC, No. 14-cv-01320, is pending.

IT IS SO ORDERED.

September 23, 2016

/s/ Indira Talwani  
United States District Judge